

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LARRY FREUDENBERG, Individually and
On Behalf of All Others Similarly Situated,
:

Plaintiff,
:

- against -
:

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, ROBERT J.
SIMMONS and DENNIS E. WEBB,
:

Defendants.
:
:
----- X

Civil Action No.

07 Civ. 8538 (JPO) (MHD)

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR AN ORDER APPROVING
THE INITIAL DISTRIBUTION OF THE NET SETTLEMENT FUND AND LEAD
COUNSEL'S REQUEST FOR FEES AND REIMBURSEMENT OF EXPENSES
RELATED TO ADMINISTERING THE SETTLEMENT**

To: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that, upon the Declaration of Brian C. Kerr, dated January 29, 2015, Memorandum of Law in Support of Plaintiffs' Unopposed Motion for an Order Approving the Initial Distribution of the Net Settlement Fund and Lead Counsel's Request for Fees and Reimbursement of Expenses Related to Administering the Settlement, Affidavit of Stephen J. Cirami In Support of Motion for Distribution of Class Settlement Fund ("Cirami Affidavit"), dated December 31, 2014, and all of the prior pleadings had herein, Plaintiffs in the above-entitled securities class action (the "Action"), through Court-appointed Lead Counsel, will move this Court, on a date and at such a time as the Court may designate, at 40 Foley Square, New York, New York 10007 in Courtroom 706, for an order in the form of the accompanying proposed Order Directing Distribution of Class Settlement Fund (the "Class Distribution Order"), providing for: (1) final approval of the claims administration process; (2) approval of

the claims administrator's fees and expenses for administering the Settlement; (3) approval of the Recognized Claims of members of the Settlement Class who have filed properly completed timely proof of claims forms (Exhibit C-1 to Cirami Affidavit"); (4) approval of the Recognized Claims of members of the Settlement Class who have filed properly completed, but late proof of claims forms (after October 31, 2012 but before December 30, 2014) (Exhibit C-2 to Cirami Affidavit); (5) directing the initial distribution of each Authorized Claimant's Recognized Claim amount from the Net Settlement Fund; (6) disapproval of claims that have been rejected by the claims administrator and Lead Counsel (Exhibit C-3 to Cirami Affidavit); (7) allowance of Lead Counsel's request for attorneys' fees accrued exclusively in administration of the Settlement; and (8) for such further and other relief as the Court may deem appropriate. Defendants do not oppose the relief sought herein.

Dated: January 29, 2015

Respectfully submitted,

BROWER PIVEN
A Professional Corporation

/s/ Brian C. Kerr
David A.P. Brower
Brian C. Kerr
475 Park Avenue South, 33rd Floor
New York, New York 10016
Telephone: (212) 501-9000
Facsimile: (212) 501-0300

Lead Counsel for Plaintiffs

LEVI & KORSINSKY, LLP
Eduard Korsinsky
Shannon L. Hopkins
30 Broad Street, 15th Floor
New York, NY 10004
T: (212) 363-7500
F: (212) 363-7171

Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the Notice of Plaintiffs' Unopposed Motion for an Order Approving the Initial Distribution of the Net Settlement Fund and Lead Counsel's Request for Fees and Reimbursement of Expenses Related to Adminstrating the Settlement; the Memorandum of Law in Support of Plaintiffs' Unopposed Motion for an Order Approving the Initial Distribution of the Net Settlement Fund and Lead Counsel's Request for Fees and Reimbursement of Expenses Related to Adminstrating the Settlement; the Declaration of Brian C. Kerr in Support of Plaintiffs' Unopposed Motion for an Order Approving the Initial Distribution of the Net Settlement Fund and Lead Counsel's Request for Fees and Reimbursement of Expenses Related to Adminstrating the Settlement; and the Affidavit of Stephen J. Ciriemi In Support of Motion for Distribution of Class Settlement Fund (with Exhibit A-D) were filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on January 29, 2015.

/s/ *Brian C. Kerr*
Brian C. Kerr